

REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and this paper is the response thereto.

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Swail. (U.S. 5,630,224). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites "means for deactivating the information processing section and the interface when the radio communications section is in a transmission state" (lines 15-17). Further, claim 1 recites "a battery for supplying power to the radio communication section, the information processing section, and the interface" (lines 11-12). The reference does not teach these elements of claim 1.

Swail discloses a subscriber terminal with means for deactivating a portable computing device during an "active portion" and reactivating the portable computing device when the "active portion" is complete (col. 7, lines 14-24). However, the reference does not teach deactivating an information processing section and interface which are powered by a battery. Nor does the reference teach deactivating during transmission.

The Office action admits that the reference does not disclose deactivating an information processing section during transmission, instead saying that such a feature would be "obvious". However, the Office action cites no *motivation* found in the *prior art* for providing this feature during transmission. Instead, Swail teaches away from any such implementation. Swail clearly states that "the portable computing device can be deactivated *only* during this subsequently determined active portion of the active time period..." (col. 7, lines 14-16, emphasis added) wherein the active time period is disclosed only as occurring during receiving, *not* during transmission. Thus, the reference teaches away from any suggestion of deactivating during transmission, and thus the Office action does not support a prima facie case of obviousness.

The Office action cites col. 6 line 60 to col. 7 line 24 as disclosing the claimed

elements. However, a close reading of this section does not support such an interpretation. First, the Office action cites the computer 105 as representing the information processing section of the claim. However, the computer 105 is not analogous to the information processing section of claim 1. First, the computer 105, as disclosed by Swail, is not part of the subscriber terminal 104, as is clearly shown by Fig. 1 and described in col. 3 lines 10-15. The computer 105 has its own power supply and/or battery 209, as shown in Fig. 2. Further, the subscriber terminal 104 has a separate controller 103 for processing information, and a separate battery 207. It is the controller 103 which is a part of the wireless device, and thus analogous to the information processing section of claim 1. Even if one argues that the computer 105 discloses the information processing section of claim 1, it is not powered by the battery that powers the communication section (i.e., the transmitter 201 and receiver 203). Thus, the reference does not teach all of the limitations of claim 1.

By the above arguments, the reference does not teach all of the elements of claim 1, and thus claim 1 is patentable over the reference. Claims 2-3, being dependent on claim 1, is thus patentable over the reference for the same reasons.

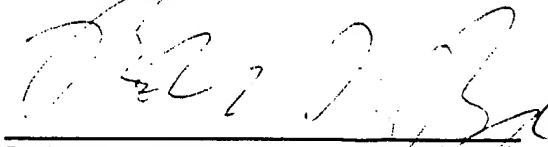
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 31879.

Respectfully submitted,

PEARNE & GORDON, LLP

By:

A handwritten signature in dark ink, appearing to read "R. F. Bodi", is written over a horizontal line.

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